

**MINUTES OF PUBLIC MEETING
FOR THE CORRECTIONS OFFICER RETIREMENT PLAN LOCAL BOARD
FOR THE JUDICIARY**

A Public Meeting of the Corrections Officer Retirement Plan Local Board for the Judiciary was convened Tuesday, April 7, 2020 at 10:00 a.m., Conference Room 109, Arizona State Courts Building, 1501 West Washington Street, Phoenix, Arizona.

Board Members Present in Conference Room 109: Kevin Kluge, Chair.

Board Member Present by Conference Call: Mark Smalley; Jason Hathcock; Jennifer Fish.

Board Member Absent: Scott Mabery.

Also Present in Conference Room 109: Vanessa Haney, Board Secretary; Alicia Bocardo, Recorder.

Call to Order:

Approval of the Minutes:

March 3, 2020 – Public Meeting Minutes

MOTION: A motion to approve the public minutes of the March 3, 2020 meeting was made by Jason Hathcock. The motion was seconded and passed; minutes stand approved. **CORP 2020-17**

Consideration of Disability Applications:

Disability Application #20-01 – IME Decision

The Board received Application #20-01 for Accidental Disability benefits from Julie Anderson on March 10, 2020.

The applicant is a Maricopa County Adult Surveillance Officer with 13.6 years of credited service with CORP.

The applicant identified the disabling conditions as: “head injury due to a car accident” while working.

The applicant was notified via certified letter that the Board would consider the application at this meeting and of the applicant’s right to attend.

The applicant initialed the Waiver of Confidentiality provision, to allow discussion of the medical condition in open public meeting.

The applicant’s physical exam dated April 1, 2011 was provided. The exam report did not identify

any pre-existing conditions.

The applicant provided medical reports of findings and treatment with the application. The application and medical reports were provided for the Board. The criteria for Accidental Disability benefits per A.R.S. §38.881 are: "Accidental disability" means a physical or mental condition that the local board finds totally and permanently prevents an employee from performing a reasonable range of duties within the employee's department and was incurred in the performance of the employee's duties."

A copy of A.R.S. §38-886 governing Local Board consideration of applications for Accidental Disability was included for reference purposes.

The Local Board Secretary informed the Board that Julie Anderson, applicant #20-01, would not be present via conference call. She stated that the applicant requested to have her statement read at the board meeting.

The statement including the following information: date of accident, how the accident involved her assigned vehicle while in route to the office, how soon she sought treatment after experiencing issues, her current treatment plan, that she is receiving worker's compensation, and that the issues she is experiencing directly restricts her ability to perform the job duties and responsibilities outlined for her position as a surveillance officer.

Board member Jennifer Fish requested to recuse herself from voting in the matter. She stated that Maricopa County is handling Ms. Anderson's case and does not want to create a conflict of interest. The Chair replied by acknowledging her request; however, it was instructed that the Local Board Secretary reach out the Board Attorney as to whether board members must recuse themselves from any disability case voting when it involves a member from their county.

Board member Mark Smalley inquired if all recent medical documents were made available to the Board. The Local Board Secretary confirmed that all medical records were made available. Board member Mark Smalley stated that one of the medical reports provided appears to have been a drafted version as some of the wording was cut off mid-sentence. The Chair responded that staff could request an updated version of the report.

Board member Jason Hathcock stated that there appeared to be enough medical evidence to support sending the applicant for an Individual Medical Evaluation.

MOTION: A motion to refer Applicant #20-01 for an Independent Medical Evaluation for Accidental Disability and to obtain any new medical records to provide to the IME doctor including the completed medical records for the incomplete report, was made by Jason Hathcock. The motion was seconded and passed. CORP 2020-18

Approval of Normal Retirement Benefits:

There were seven applications for Normal Retirement benefits submitted for the Board's approval pursuant to A.R.S. § 38-893 (D).

MOTION: A motion to approve the payment of Normal Retirement benefits to the following applicants in about the following amounts, effective April 1, 2020 was made by Jennifer Fish. The motion was seconded and passed unanimously. CORP 2020-19

Mark Amado	\$2,636.20
Steven Bondurant	\$2,728.18
Steven Gaethje	\$4,099.74
Alan Glickman	\$3,515.07; Reverse DROP Estimate \$187,479.86
Rebecca Lauchner	\$4,169.54
Patricia Munoz	\$5,273.55; Reverse DROP Estimate \$ 96,222.67
Tiffany Whittier	\$2,442.75

Apache County Position Review – Decision of CORP Eligibility: Second Review

On February 13, 2020, the Apache County Human Resources Department submitted a request to have the Board review their position of Lead Investigator for CORP eligibility.

The Apache County Board of Supervisors approved the new employee on February 4, 2020, retroactively to when the position was filled on January 28, 2020.

The position had been vacant for at least seven years and there is no record on file with Apache County HR as to whether or not the last employee to hold the position contributed to CORP.

On March 3, 2020 the Board voted unanimously that the lead investigator position was not CORP eligible because the position was filled by a non-officer supervising non-officers.

The Board Secretary received information from Apache County Probation Services the employee would be attending DT Academy the week of April 5. He would also be attending the IPS and Firearm Surveillance Academy; so, he will be a badged officer.

The Chair asked the Board members if the new information provided by the county was enough to overturn their decision about the position.

Board member Jennifer Fish stated that though the county has expressed their desire to send the individual to the trainings, the county did not change the position description therefore still upholding their decision. She added that though the individual would partake in specific DT and IPS training it does not warrant the title of a badged officer and the position description does not reflect that change either.

The Chair stated that it has been his experience to make this kind of determination based of the area of recruitment and knowledge needed for the position. He added such CORP eligible position should have the flexibility within the department as badged officer guaranteeing interchangeability. The Chair asked Board members Jason Hathcock and Mark Smalley for input on whether the position in question would need that type of background.

Board member Mark Smalley stated that it was uncommon for their department in Adult Probation. Board member Jason Hathcock added that it would be dependent on the type of department. He stated that the position description was not clear because it appears to include probation officer

duties while supervising other employees under the investigative unit. He continued to say that it could also vary department to department as it may or may not have badged staff.

Board member Jason Hathcock referenced the pre-sentencing unit in Maricopa County by explaining that they are all badged officers. He added that a four-year bachelor's degree and four years of experience in investigations would meet the badged officer requirement.

Board member Jennifer Fish asked for confirmation that the supervisory position does not oversee badged officers. The Chair confirmed that was correct. The Chair expressed uncertainty about the position because it appears to include probation officer duties such as supervising direct caseloads. Board member Jason Hathcock responded by stating he would vote in favor only if the individual would be, in fact, a badged officer. He also voiced his confusion about the position because the individual is not currently a badged officer, but the county has stated that he would be in the future.

The Chair replied that the position was had not been filled and was vacant for seven years. Board member Jennifer Fish inquired whether only participating in the two training would be enough to title the individual as a badged officer instead of completing the entire academy. The Chair agreed that it was unclear how the individual could go through two trainings and not certification.

Board member Jennifer Fish inquired if the county could provide a more detailed position description to better understand the job duties and responsibilities as the information provided appears to be the functions of a certified badged officer.

The Local Board secretary responded that the county did not have more detailed position description to provide and confirmed that the individual would not be going through the academy. The Chair questioned stated that unless the individual were to participate and compete the certification academy, the position remains non-CORP eligible.

MOTION: A motion that the even with the additional information provided by Apache County the Board continues to find the position of Lead Investigator - Adult Probation (Apache County) does not meet the eligibility criteria for a designated CORP position was made by. The motion was seconded and passed unanimously. CORP 2020-20

Approval of Membership:

The Local Board may consider and vote on the approval of the following requests for membership or defer decision to a later date:

Cobos, Anthony	Pinal	03/01/2020
Coronado Bustamante, Bianca	Yuma	01/26/2020
Cox, Nicole	Maricopa	03/01/2020
Dang, Loyal	Maricopa	03/15/2020
Estrada, Laura	Maricopa	03/15/2020
Evans, Irena	Maricopa	03/15/2020
Falls, Tommie	Maricopa	03/15/2020
Fenslage, John	Navajo	02/09/2020
Garduno, Hector	Yuma	12/22/2019

Garlow, Shawn	Maricopa	10/13/2019
Gordon, Quiana	Navajo	10/6/2019
Hively, Lauren	Pima	03/08/2020
Marrufo, Patrick	Pinal	03/15/2020
McPhee, Caitlin	Pima	10/06/2019
Morgan, Ethan	Gila	12/19/2019
Myler, Davin	Pinal	03/01/2020
Norton, Wendell	Graham	02/09/2020
Ortiz, Jasmin	Maricopa	03/15/2020
Perez, Omar	Pima	10/6/2019
Perez, Rebekah	Maricopa	03/15/2020
Reber, Kristen	Pinal	03/15/2020
Rivera, Gilbert	Pima	10/06/2019
Robinson, Kristel	Yavapai	11/09/2019
Thomas, Andrea	Maricopa	03/01/2020
Timmons, Joseph	Pinal	03/15/2020
Walker, Keith	Maricopa	03/15/2020

MOTION: A motion to approve the 15 applicants listed on the agenda for this meeting for membership in CORP pursuant to A.R.S. §38-893.D and to note for the record that the physical examinations for Anthony Cobos, Nicole Cox, Patrick Marrufo, Caitlin McPhee, Wendell Norton, Jasmin Ortiz, Omar Perez, Kristin Reber, Andrea Thomas and Keith Walker identified a physical or mental condition or injury that existed or occurred before their date of membership in the plan, was made by Mark Smalley. The motion was seconded and passed unanimously. **CORP 2020-21**

See Attachment A to these minutes for details of the membership approved at this meeting.

Future Agenda Items:

The Board Secretary advised informed the Board that staff is expecting to have a total four retirement application for the May 5, 2020 Meeting. She also stated that she would try to schedule Julie Anderson's IME despite the current COVID-19 situation.

Call to the Public:

No members of the public addressed the Board.

The meeting was adjourned at 10:27 a.m.

Transcribed April 9, 2020